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12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA- SACRAMENTO DIVISION**
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15 EFREN LINARES, individually, and on
behalf of all others similarly situated, and
16 on behalf of the State of California and
aggrieved employees pursuant to the
17 Private Attorneys General Act,

18 Plaintiff,

19 vs.

20 ABM INDUSTRY GROUPS, LLC.,
21 FLOWERS BAKING CO. OF
MODESTO, LLC., and DOES 1 through
22 50, inclusive;

23 Defendants.

Case No.: 1:22-cv-00816-TLN-CKD

24 **CLASS ACTION**

25 **JOINT STIPULATION TO CONTINUE
FILING OF LOCAL RULE 251 JOINT
STATEMENT RE: DISCOVERY
DISAGREEMENT; PROPOSED ORDER**

26 *Before the Honorable Troy L. Nunley and Carolyn
K. Delaney*

27 Complaint filed: July 1, 2022

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17 Attorneys for Defendants
18 ABM INDUSTRY GROUPS, LLC.
19 AND FLOWERS BAKING CO.
20 OF MODESTO, LLC

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1 Plaintiff EFREN LINARES and Defendants ABM INDUSTRY GROUPS, LLC and
2 FLOWERS BAKING CO. OF MODESTO, LLC (together, "Defendants") (Plaintiff and Defendants
3 collectively referred to as the "Parties"), through their respective attorneys of record, hereby
4 stipulate and agree as follows:

5 WHEREAS, Plaintiff filed a motion to compel further discovery responses ("Motion") on
6 January 10, 2024 (ECF No. 28), with a hearing date of January 31, 2024;

7 WHEREAS, the Court ordered the Parties to submit a Joint Statement re: Discovery
8 Disagreement regarding the issues set forth in the Motion by January 17, 2024 (ECF No. 32);

9 WHEREAS, the Parties are currently making arrangements to mediate this case, and are
10 finalizing a stipulation to continue litigation deadlines, which would obviate the need to resolve the
11 issues raised by Plaintiff's Motion at this time;

12 WHEREAS, in order to conserve resources, the Parties would like a to postpone bringing this
13 dispute to the Court at this time, to enable them to finalize their mediation arrangements and to
14 enable the District Judge to take action on their forthcoming stipulation;

15 WHEREAS, the Parties request the Court continue the hearing on the Motion, as well as the
16 filing deadline for the Local Rule 251 Joint Statement, by two weeks;

17 WHEREAS, Plaintiff will notify the Court if hearing the Motion is still necessary following
18 the District Court's ruling on the Parties' forthcoming stipulation and the Parties' efforts to set a
19 mediation.

20 Based on the foregoing, the Parties hereby agree and stipulate as follows:

21 1. The hearing on Plaintiff's Motion shall be continued by two weeks, to a date
22 convenient for the Court;

23 2. The deadline for the Parties to submit the Local Rule 251 Joint Statement shall be
24 continued by two weeks, to January 31, 2024; and

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3. Plaintiff will inform the Court if hearing the Motion is still necessary following the District Court's ruling on the Parties' forthcoming stipulation and the Parties' efforts to set a mediation.

4 | IT IS SO STIPULATED.

DATED: January 17, 2024

By: /s/ Dan Keller [authorized 1/17/24]

Stan Mallison
Hector Martinez
Daniel Keller
Caroline L. Hill
Attorneys for Plaintiff

DATED: January 17, 2024

By: /s/ Paul M. Smith

Alexander Chemers
Paul M. Smith
Attorneys for Defendants

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1 **[PROPOSED] ORDER**

2 The Court, having reviewed the foregoing stipulation, and good cause appearing,
3 hereby **ORDERS** as follows:

4 1. The hearing on Plaintiff's Motion is continued to February 14, 2024, at 10:00 a.m.;

5 2. The deadline for the Parties to submit the Local Rule 251 Joint Statement shall be
6 continued by two weeks, to January 31, 2024; and

7 3. On or before February 7, 2024, Plaintiff shall inform the Court if hearing the Motion
8 is still necessary following the District Court's ruling on the Parties' forthcoming
9 stipulation and the Parties' efforts to set a mediation.

10 **IT IS SO ORDERED.**

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12 Dated: January 18, 2024

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15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE
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